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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,069

04/17/2007

Robert Schmidt

AP 10833

1472

52203 7590 09/30/2008

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EXAMINER

BELLAMY, TAMIKO D

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,069	Applicant(s) SCHMIDT ET AL.	
	Examiner TAMIKO D. BELLAMY	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/8/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Preliminary amendment dated 6/8/06 has been received and entered. Claims 1-7 have been canceled. Claims 8-14 are currently pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “4” has been used to designate both an **Electrohydraulic pressure control device** and **outlet valve** (See fig. 1) . Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronau et al. (6,003,960).

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Re claim 8, as depicted in fig. 1, Gronau et al. discloses a electrohydraulic pressure device (e.g., hydraulic brake system) including a externally supplied pressurization unit (e.g., hydraulic pump 9) and pressure sensor(s) (e.g., acoustic sensors 12) (Col. 2, lines 48-57; Col. 4, lines 43-47). Gronau et al. discloses pressure control circuits (e.g., combination of wheel brakes (3, 4) and associated wheel sensors (s1, s2)). As depicted in fig. 1, Gronau et al. discloses brake circuits (I, II) (Col. 2, lines 13-16). Gronau et al. discloses at least some pressure control circuits (3, s1; 4, s2) being connected to a pressure sensor (e.g., acoustic sensor 12) associated with this circuit and to inlet valves (5, 8) and outlet valves (7, 8). Gronau et al. discloses performing two or more calibration routines (e.g., calibration variable associated with each valve) to generate and store calibration data (Col. 4, lines 20-36). As depicted in fig. 1, Gronau et al. discloses producing pressure by an externally supplied pressure unit (e.g., hydraulic pump 9) in at least one pressure control circuit (3, s1). Gronau et al. discloses recording/storing calibration for one or more hydraulic valves (Col. 20-29). While Gronau et al. **does not specifically discloses using a pressure that has build up**, Gronau et al. specifically states (Col. 4, lines 29-35) that the calibration variable “x” is determined by a brief actuation of the valves. Gronau et al. also discloses (Col. 3, lines 60- 67) that the deactivation of the inlet valve, i.e. the re-opening of the valve, is supported by a relatively high pilot pressure. Gronau et al. discloses rising pressure in the deactivation operation of the inlet valve (5, 6). The rising pressure clearly infers and/or suggests a pressure build up. While Gronau et al. does not specifically discloses performing two or more calibrations to generate and store **automatically established calibration data**, Gronau et

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al. discloses a constant calibration by means of a calibration circuit, triggered by recurrent events or by predetermined time steps (Col. 4, lines 20-29). This teaching clearly infers and/or suggests automatic calibration. Hence, the replacement of a manual operation with an automatic operation is a design consideration within the skill of the art. In re Venner, 262 F.2d 91, 120 USPQ 192 (CCPA 1955). It is well settled that it is not “invention” to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. In re Rundell, 18 CCPA 1290, 48 F.2d 958, 9 USPQ 220. Therefore, to employ Gronau et al. on a using pressure buildup and automatically storing established calibration data would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches rising pressure in the deactivation operation of the inlet valve, and constant calibration by means of a calibration circuit, triggered by recurrent events or by predetermined time steps.

Re claim 9, Gronau et al. discloses a pressure accumulator (10) in a pressure control circuit (3, s10). Gronau et al. discloses additional pressure control circuits (Col. 2, lines 17-47).

Re claim 10, Gronau et al. discloses pressure is lower (Col. 3, lines 60-67; Col. 4, lines 1-9).

Re claims 11 and 12, as depicted in fig. 1, Gronau et al. discloses a pressure sensor connected to a pressure control circuit and a controller (11). Gronau et al. discloses a plurality of pressure sensors may be used to define valves or valve groups (Col. 4, lines 43-47). Gronau et al. discloses the controller contains (11) contains a calibration circuit

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(13). Gronau et al. discloses that the calibration is associated with each valve. Therefore, if a plurality of sensors is used to define each valve, it is understood that a calibration data comprises differential pressure. Gronau et al. discloses adjusting the opening of the same valve (Col. 3, lines 60-67).

Re claim 13, Gronau et al. discloses establishing calibration data several measuring routines are taken for redundancy (Col. 4, lines 21-25).

Re claim 14, Gronau et al. discloses performing two or more calibration routines (e.g., calibration variable associated with each valve) to generate and store calibration data (Col. 4, lines 20-36). As depicted in fig. 1, Gronau et al. discloses producing pressure by an externally supplied pressure unit (e.g., hydraulic pump 9) in at least one pressure control circuit (3, s1). Gronau et al. discloses recording/storing calibration for one or more hydraulic valves (Col. 20-29). While Gronau et al. **does not specifically discloses using a pressure that has build up**, Gronau et al. specifically states (Col. 4, lines 29-35) that the calibration variable “x” is determined by a brief actuation of the valves. Gronau et al. also discloses (Col. 3, lines 60- 67) that the deactivation of the inlet valve, i.e. the re-opening of the valve, is supported by a relatively high pilot pressure. Gronau et al. discloses rising pressure in the deactivation operation of the inlet valve (5, 6). The rising pressure clearly infers and/or suggests a pressure build up. While Gronau et al. does not specifically discloses performing two or more calibrations to generate and store **automatically established calibration data**, Gronau et al. discloses a constant calibration by means of a calibration circuit, triggered by recurrent events or by predetermined time steps (Col. 4, lines 20-29). This teaching clearly infers and/or

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suggests automatic calibration. Hence, the replacement of a manual operation with an automatic operation is a design consideration within the skill of the art. In re Venner, 262 F.2d 91, 120 USPQ 192 (CCPA 1955). It is well settled that it is not “invention” to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. In re Rundell, 18 CCPA 1290, 48 F.2d 958, 9 USPQ 220. Therefore, to employ Gronau et al. on a using pressure buildup and automatically storing established calibration data would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches rising pressure in the deactivation operation of the inlet valve, and constant calibration by means of a calibration circuit, triggered by recurrent events or by predetermined time steps.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMIKO D. BELLAMY whose telephone number is (571)272-2190. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamiko Bellamy

/TB/

September 19, 2008

/Hezron Williams/

Supervisory Patent Examiner, Art Unit 2856